

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL PERKINS,

Plaintiff,

-against-

PREVIL,

Defendant.

1:19-CV-9333 (CM)

BAR ORDER UNDER
28 U.S.C. § 1915(g)

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff filed this action *pro se* and applied to proceed *in forma pauperis* (IFP). On December 6, 2019, the Court denied Plaintiff's IFP application and dismissed this action without prejudice. The Court also noted that while Plaintiff has been a prisoner, he has filed three or more federal civil actions or appeals that were dismissed as malicious, frivolous, or for failure to state a claim on which relief may be granted. The Court ordered Plaintiff, within thirty days, to either pay the relevant fees to bring this action or show cause why he is not barred, under 28 U.S.C. § 1915(g), from proceeding with this action IFP. Plaintiff has failed to pay the fees or show cause why he is not barred under § 1915(g).

CONCLUSION

While Plaintiff has been a prisoner, he has filed three or more federal civil actions or appeals that were dismissed as malicious, frivolous, or for failure to state a claim on which relief may be granted. Because Plaintiff has not shown cause why he is not barred under 28 U.S.C. § 1915(g), the Court recognizes Plaintiff as barred under § 1915(g) from filing future federal civil actions IFP in this Court while he is a prisoner unless he is under imminent danger of serious physical injury.¹ Plaintiff is warned that the submission of frivolous documents may

¹ Plaintiff may commence a new federal civil action as a prisoner by paying the relevant

result in the imposition of additional sanctions, including monetary penalties. *See* 28 U.S.C. § 1651.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 24, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'Colleen McMahon', is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge

fees. If Plaintiff does so, his complaint will be reviewed under 28 U.S.C. § 1915A, which requires the Court to dismiss *any* civil rights complaint from a prisoner if it “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915A(b).